

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

IN RE:

SUSAN A PENLAND

2626 E WASHINGTON ROAD

WHITE CLOUD MI 49349

Debtor(s) /

Case No: GG 17-01530

Date Filed: 3/29/17

Chapter 13

Hon. John T. Gregg

**TRUSTEE'S MOTION TO DISMISS THE CHAPTER 13 PROCEEDINGS AND
NOTICE OF MOTION PURSUANT TO 11 U.S.C. 1307(c)**

The Chapter 13 Trustee, **Brett N. Rodgers**, hereby moves this Court to dismiss the above captioned Chapter 13 case for the following reasons pursuant to 11 U.S.C. 1307(c):

- (X) 1307(c)(6) Material default by the debtor with respect to a term of a confirmed plan:
- (X) Plan payment arrears in the amount of \$29,858.00. Date of last payment: 10/13/2020
 - (X) Plan exceeds 60 months in violation of § 1322(d)(2)(C); the plan is currently running 70 months
 - (X) Other: Debtor(s) not paying as scheduled

Note: As a result of the above Motion being made, your case could be converted to a Chapter 7 case.

NOTICE OF MOTION

Take notice that if a timely response is filed the within motion will be heard before the Honorable John T. Gregg on **1/13/2021 at 9:00 A.M.** This hearing will be held at the U.S. Bankruptcy Court, One Division Ave NW, 2nd Floor, Courtroom C, Grand Rapids, MI 49503.

If you wish to oppose the Motion you must file a written response with the Bankruptcy Court at One Division Ave., N. Room 200, Grand Rapids, MI 49503 and serve a copy upon the Chapter 13 Trustee at 99 Monroe Ave NW, Suite 601, Grand Rapids MI 49503 within 30 days of the date on which the Bankruptcy Noticing Center (BNC) served this Motion to Dismiss. The response filed must comply with Local Bankruptcy Rule 9013(d) and must state with particularity the reasons why the Trustee's Motion should not be granted. If a timely response is not filed, the Chapter 13 Trustee may at any time after the expiration of the 30 day period, file with the Court a certificate stating that no timely response or request for hearing has been filed together with a proposed Order Dismissing the case and cancel the scheduled hearing date as moot.

Dated: 12/3/2020

/s/ Brett N. Rodgers
Brett N. Rodgers, Trustee

PROOF OF SERVICE

This Motion to Dismiss was served electronically upon the attorney for the debtor(s), if applicable, and the debtor(s) by the BNC.

ATTORNEY FOR DEBTOR(S): ROBERT STARIHA